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BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

Application Number: 10/708,920
Filing Date: March 31, 2004
Appellant(s): WOODWARD ET AL.

G. Mack Riddle
Reg. No. 55,572
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 10 October 2008 appealing from the Office

action mailed 08 May 2008.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement of related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows.

NEW GROUND(S) OF REJECTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and Useful process, machine, manufacture, or composition

of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to

the conditions and requirements of this title.

Claims 1-22, 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-

statutory subject matter. The claim seems to merely involve a mental process – or processes of

human thinking – are described as standing alone and are untied to any particular apparatus or any

other categories of statutory matter (i.e., a machine, manufacture, or composition). The claim, as a

whole, may be directed essentially to a mental method or process of calculating and is not limited to

any otherwise statutory process, machine, manufacture or composition of matter. The claim is

therefore considered to be unpatentable subject matter. *Comiskey* explains that mental processes *per*

se are not statutory under § 101. Mental processes must be tied into some other category of

statutory subject matter in order to be potentially patentably under § 101. *Comiskey* specifically

states, "However, mental processes -- or processes of human thinking -- standing alone are not

patentable even if they have practical application." (See *In re Comiskey*, 84 USPQ2d, at 1678)

Comiskey continues with the rationale that "the patent statute does not allow patents on particular

systems that depend for their operation on human intelligence alone, a field of endeavor that both the

framers and Congress intended to be beyond the reach of patentable subject matter. Thus, it is

established that the application of human intelligence to the solution of practical problems is not in

and of itself patentable." (See *In re Comiskey*, 84 USPQ2d, at 1679) Claims 1-22, 24 do not fall into

any of the four statutory categories under 35 U.S.C. 101 and the dependent claims do not remedy this

issue; therefore, claims 1-22, 24 are non-statutory.

Claim Rejections – 35 USC § 112

The following is a quotation of the fourth paragraph of 35 U.S.C. 112:

Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim

previously set forth and then specify a further limitation of the subject matter claimed. A claim in

> dependent form shall be construed to incorporate by reference all the limitations of the claim to
>
> which it refers.

Claim 24 is rejected under 35 U.S.C. 112 fourth paragraph, for not being in compliance with the

Infringement Test requirement for the proper form of dependent claims. The infringement test as to

whether a claim is a proper dependent claim is that it shall include every limitation of the claim from

which it depends (35 U.S.C. 112, fourth paragraph) or in other words that it shall not conceivably be

infringed by anything which would not also infringe the basic claim. In this case, the computer product

claim listed above is claiming dependence on a preceding method claim. Rewriting of proper

dependent form is required.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

U.S. Patent 6,161,139	Win	12-2000
U.S. Pub 2002/0029339	Rowe	3-2002
U.S. Patent 6,202,066	Barkley	3-2001

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections – 35 USC § 101

35 U.S.C. 101 reads as follows:

> Whoever invents or discovers any new and Useful process, machine, manufacture, or composition

of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to

the conditions and requirements of this title.

Claims 1-22, 24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claim seems to merely involve a mental process – or processes of human thinking – are described as standing alone and are untied to any particular apparatus or any other categories of statutory matter (i.e., a machine, manufacture, or composition). The claim, as a whole, may be directed essentially to a mental method or process of calculating and is not limited to any otherwise statutory process, machine, manufacture or composition of matter. The claim is therefore considered to be unpatentable subject matter. *Comiskey* explains that mental processes *per se* are not statutory under § 101. Mental processes must be tied into some other category of statutory subject matter in order to be potentially patentably under § 101. *Comiskey* specifically states, "However, mental processes -- or processes of human thinking -- standing alone are not patentable even if they have practical application." (See *In re Comiskey*, 84 USPQ2d, at 1678) *Comiskey* continues with the rationale that "the patent statute does not allow patents on particular systems that depend for their operation on human intelligence alone, a field of endeavor that both the framers and Congress intended to be beyond the reach of patentable subject matter. Thus, it is established that the application of human intelligence to the solution of practical problems is not in and of itself patentable." (See *In re Comiskey*, 84 USPQ2d, at 1679) Claims 1-22, 24 do not fall into any of the four statutory categories under 35 U.S.C. 101 and the dependent claims do not remedy this issue; therefore, claims 1-22, 24 are non-statutory.

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> dependent form shall be construed to incorporate by reference all the limitations of the claim to
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Infringement Test requirement for the proper form of dependent claims. The infringement test as to

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which it depends (35 U.S.C. 112, fourth paragraph) or in other words that it shall not conceivably be

infringed by anything which would not also infringe the basic claim. In this case, the computer product

claim listed above is claiming dependence on a preceding method claim. Rewriting of proper

dependent form is required.

Claim Rejections – 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections

set forth in this Office Action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as
>
> set forth in section 102 of this title, if the differences between the subject matter sought to be
>
> patented and the prior art are such that the subject matter as a whole would have been obvious
>
> at the time the invention was made to a person having ordinary skill in the art to which said
>
> subject matter pertains. Patentability shall not be negatived by the manner in which the invention
>
> was made.

Claims 1, 4-5, 7-8, 10-16 and 18-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Win, U.S. 6,161,139 ("Win"), in view of Rowe, U.S. Pub 2002/0029339 ("Rowe").

With regard to claim 1, Win teaches the limitation of a *computer-implemented method for specifying*

and enforcing entitlements for performance of financial transactions, the method comprising:

- providing a hierarchical entitlement structure with inheritance for specifying entitlements for performing financial transactions (column 4, lines 22-26; column 5, lines 7-8);

- in response to a particular user request to perform a financial transaction at runtime, identifying the particular user's membership in a certain entitlement group (column 5, lines 45-55);

- determining whether to allow the particular user to perform the financial transaction based on permissions and limits of said hierarchical entitlement structure applicable to the particular user's performance of the financial transaction (column 4, lines 15-18);

- receiving user input for defining a plurality of entitlement groups of said hierarchical entitlement structure, wherein each entitlement group has specified permissions to perform financial transactions (column 15, lines 15-21; column 4, lines 24-26).

Win doesn't explicitly teach the limitation comprising limits on performance of said financial transactions, and membership of each user. Rowe, however, makes this teaching (paragraph 12, lines 5-13; paragraph 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Rowe with those of Win as discussed above for the motivation of establishing entitlement to access the account (Rowe, abstract).

With regard to claim 4, Win in view of Rowe teaches the limitation of claim 1 as described above. Win further teaches the limitation wherein said step of defining a plurality of entitlement groups includes defining permissions to access particular objects in a financial application (column 5, lines 22-29).

With regard to claim 5, Win in view of Rowe teaches the limitation of claim 4 as described above. Win further teaches the limitation wherein said step of defining a plurality of entitlement groups includes defining permissions to perform functions on said particular objects (column 5, lines 22-32).

With regard to claim 7, Win in view of Rowe teaches the limitation of claim 4 as described above. Win doesn't explicitly teach the limitation *wherein said limits comprise limitations on values of financial transactions to be performed*. Rowe, however, makes this teaching (paragraph 12, lines 5-13, paragraph 14). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Rowe with those of Win as discussed above for the motivation of establishing entitlement to access the account (Rowe, abstract).

With regard to claim 8, Win in view of Rowe teaches the limitation of claim 4 as described above. Win doesn't explicitly teach the limitation *wherein said step of defining a plurality of entitlement groups includes defining limits comprising a selected one of per-transaction limits and cumulative limits over a period of time*. Rowe, however, makes this teaching (paragraph 12, lines 5-13; paragraphs 14 and 43). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Rowe with those of Win as discussed above for the motivation of facilitating a commercial transaction (Rowe, paragraph 14).

With regard to claim 10, Win in view of Rowe teaches the limitation of claim 1 as described above. Win further teaches the limitation *wherein said step of defining a plurality of entitlement groups includes defining limits applicable to individual users* (column 16, lines 59-67).

With regard to claim 11, Win in view of Rowe teaches the limitation of claim 1 as described above. Win further teaches the limitation *wherein said step of defining a plurality of entitlement groups includes defining limits applicable collectively to members of an entitlement* group (column 16, lines 59-67).

With regard to claim 12, Win in view of Rowe teaches the limitation of claim 1 as described above. Win further teaches the limitation *wherein said step of defining a plurality of entitlement groups includes defining limits applying collectively to a particular entitlement group and children entitlement groups of said particular entitlement group in said hierarchical entitlement structure* (column 16, lines 59-67).

With regard to claim 13, Win in view of Rowe teaches the limitation of claim 1 as described above. Win doesn't explicitly teach the limitation *further comprising tracking financial transactions performed for purposes of determining compliance with limits.* Rowe, however, makes this teaching (paragraph 103, lines 1-9; paragraph 149, lines 1-9). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Rowe with those of Win as discussed above for the motivation of facilitating a commercial transaction (Rowe, paragraph 14).

With regard to claim 14, Win in view of Rowe teaches the limitation of claim 13 as described above. Win doesn't explicitly teach the limitation *wherein said step of tracking financial transactions performed includes maintaining running total values of financial transactions performed in cache for improved performance.* Rowe, however, makes this teaching (paragraph 103, lines 1-9; paragraph 149, lines 1-9). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Rowe with those of Win as discussed above for the motivation of storing account information and receiving and transmitting account data such as data representing fund transfers and the like (Rowe, paragraph 103, lines 1-4).

With regard to claim 15, Win in view of Rowe teaches the limitation of claim 14 as described above. Win doesn't explicitly teach the limitation *wherein said step of determining whether to allow the particular user to perform the financial transaction includes determining whether any limits have been exceeded based on the running total values and the value of the financial transaction requested by the particular user.* Rowe, however, makes this teaching (paragraph 103, lines 1-9; paragraph 149, lines 1-9). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Rowe with those of Win as discussed above for the motivation of facilitating a commercial transaction (Rowe, paragraph 14).

With regard to claim 16, Win in view of Rowe teaches the limitation of claim 1 as described above. Win further teaches the limitation *further comprising: maintaining permission information for entitlement*

groups in the hierarchical entitlement structure in cache to improve system performance (column 2, lines 60-67; column 3, lines 1-7).

<u>With regard to claim 18</u>, Win in view of Rowe teaches the limitation of claim 1 as described above. Win further teaches the limitation *wherein permissions provided to an entitlement group include permissions to administer a certain other entitlement group* (column 2, lines 35-43; column 24, lines 39-40).

<u>With regard to claim 19</u>, Win in view of Rowe teaches the limitation of claim 18 as described above. Win further teaches the limitation *wherein permissions to administer a particular entitlement group include modifying permissions of said certain other entitlement group* (column 2, lines 25-43).

<u>With regard to claim 20</u>, Win in view of Rowe teaches the limitation of claim 18 as described above. Win further teaches the limitation *wherein said permissions to administer a certain other entitlement group are subject to limitations defined for the entitlement group having said permissions to administer* (column 24, lines 39-40; column 16, lines 59-64).

<u>With regard to claim 21</u>, Win in view of Rowe teaches the limitation of claim 1 as described above. Win further teaches the limitation *wherein permissions provided to an entitlement group include permissions to extend a certain other entitlement group* (column 15, lines 63-67).

<u>With regard to claim 22</u>, Win in view of Rowe teaches the limitation of claim 21 as described above. Win further teaches the limitation *wherein permissions to extend a certain other entitlement group include permissions to define a child entitlement group of said particular entitlement group* (column 16, lines 59-64).

With regard to claim 23, Win in view of Rowe teaches the limitation of claim 1 as described above. Win further teaches the limitation of a *computer-readable medium having processor-executable instructions for performing the method of claim 1* (column 25, lines 46-52).

With regard to claim 24, Win in view of Rowe teaches the limitation of claim 1 as described above. Win further teaches the limitation of a *downloadable set of processor-executable instructions for performing the method of claim 1* (column 25, lines 16-32).

Claims 2-3, 6, 9 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Win, U.S. 6,161,139 ("Win"), in view of Rowe, U.S. Pub 2002/0029339 ("Rowe"), and further in view of Barkley, U.S. 6,202,066 ("Barkley").

With regard to claim 2, Win in view of Rowe teaches the limitation of claim 1 as described above. Win doesn't explicitly teach the limitation *wherein said hierarchical entitlement structure provides that a given entitlement group inherits permissions provided to its parent entitlement group in said hierarchical entitlement structure.* Barkley, however, makes this teaching (column 9, lines 48-60). It would have been obvious to one of ordinary skill in the art at the time of the invention to combine the teaching of Barkley with those of Win as discussed above for the motivation of knowing whether access is provided as a result of the permissions defined for the role or group itself or is based on permissions associated with inherited roles or groups (Barkley, column 10, lines 1-4).

With regard to claim 3, Win in view of Rowe and further in view of Barkley teaches the limitation of claim 2 as described above. Win further teaches the limitation *wherein said step of defining a plurality of entitlement groups includes restricting permissions inherited by an entitlement group from its parent entitlement group in said hierarchical entitlement structure* (column 11, lines 39-43; column 13, lines 14-15).

With regard to claim 6, Win in view of Rowe teaches the limitation of claim 4 as described above. Win

doesn't explicitly teach the limitation *wherein at least some of said particular objects represent bank*

accounts. Barkley, however, makes this teaching (column 11, table 1). It would have been obvious to

one of ordinary skill in the art at the time of the invention to combine the teaching of Barkley with

those of Win as discussed above for the motivation of effectuating bank policy (column 11, lines 60-

61).

With regard to claim 9, Win in view of Rowe teaches the limitation of claim 1 as described above. Win

doesn't explicitly teach the limitation *wherein said step of defining a plurality of entitlement groups*

includes defining permissions applying to a selected one of functions of a financial application and

objects of a financial application. Barkley, however, makes this teaching (column 11, lines 57-67;

column 12, lines 1-32). It would have been obvious to one of ordinary skill in the art at the time of

the invention to combine the teaching of Barkley with those of Win as discussed above for the

motivation of implementing bank policy (Barkley, column 11, lines 57-59).

With regard to claim 17, Win in view of Rowe teaches the limitation of claim 16 as described above.

Win doesn't explicitly teach the limitation *wherein said permission information is modeled as three-*

tuples representing negative permissions. Barkley, however, makes this teaching (column 11, lines

57-67; column 12, lines 1-32). It would have been obvious to one of ordinary skill in the art at the

time of the invention to combine the teaching of Barkley with those of Win as discussed above for the

motivation of implementing bank policy (Barkley, column 11, lines 57-59).

(10) Response to Argument

Claims 1, 4-5, 7, 10-11, 13-16, 18-22 and 24

With regard to the claims above, Appellants argue that Win does not provide any discussion of

financial transactions being performed and thus, there is nothing to teach or remotely suggest how

one might use Win's system to specify and enforce permissions and limits for performing financial

transactions.

The Office respectfully disagrees, and maintains that the prior art references, used in rejecting the claims, clearly and expressly discloses all the recited features of the claims, as currently presented, and that Applicant has misinterpreted and/or not fully considered all the teachings and disclosures of the prior arts of record.

Win discloses as his invention a method that comprises storing information that defines administrative roles, that associates a user with one or more of the administrative roles, and that associates each administration role with one or more administrative privileges. Win generally relates to methods of controlling access to protected information resources in a network environment, and, more specifically, to methods, apparatus, and products for managing and administering, from several distributed locations, a system for facilitating secure and selective access to network resources based on a role of a user of the resources. As such, the teachings of Win are found in field of endeavor, which, while not unrelated, is also within the scope and reasoning of one of ordinary skill in the art.

The 08 May 2008 Office Action points to Win, at least column 2, lines 66-67; column 3, lines 1-7; column 11, lines 40-44; column 5, lines 18-21, which recites:

> "According to one feature, information is stored that associates each of a plurality of users with one or more administrative roles. At least two users administer the access control computer system from different locations, or from computers connected to two different local area networks."

> According to another feature, information is stored that associates a user with an administrative roles, and that associates the administrative role with on or more other roles."

"...the Personalized Menu Service constructs a personalized menu of resources showing only those

resources that the user is authorized to access according to the user's profile information,

including the user's roles and privileges."

"In some embodiments, the term User Type or Person Type refers to employees, directors,

officers, contractors, customers, distributors, etc., and Role refers to a job function such as sales

representative, financial analyst, etc."

From the above disclosure, it is apparent that Win is directed towards administering roles that govern

access to administrative functions and describes means by which authorization (permission) to

perform a certain function (i.e. financial transaction) is provided to persons tasked with performing

certain roles or functions (i.e. financial analyst). The limitations for the claims above as written, do not

differentiate from the disclosure described above and are therefore interpreted broadly.

Win doesn't explicitly disclose the limitation specifying limits for performing financial transactions.

Rowe, however, is relied upon to disclose this feature. Rowe discloses as his invention a method and

apparatus for facilitating monetary and commercial transactions and for securely storing data. Rowe

relates to methods and methods and devices for permitting monetary transactions, such as the

transfer of funds and the payment of monies. As such, the teachings of Rowe are found in field of

endeavor, which, while not unrelated, is also within the scope and reasoning of one of ordinary skill in

the art.

The 08 May 2008 Office Action points to Rowe, at least paragraphs 12 and 14, which recites:

"This method comprises the steps of providing customer data to the account provider, establishing

an account type, <u>assigning a value limit</u> for the account, depositing funds in the financial account

in an amount not exceeding the value limit, assigning the financial account an expiration date

after which access to the financial account is generally prohibited by a user, and generating an

account signature for use in establishing later entitlement to access the financial account."

"One or more embodiments of the invention comprise a method of facilitating a commercial

transaction comprising establishing a financial account, the account having a <u>maximum funds

limit</u>, funds associated therewith <u>not exceeding the limit</u>..."

From the above disclosure, it apparent that Rowe discloses the limitation comprising specifying limits

for performing financial transactions. The limitations for the claims above as written, do not

differentiate from the disclosure described above and are therefore interpreted broadly. As such, the

rejection with regard to the above argument with regard to Win and Rowe should be maintained

accordingly.

Appellants further argue that Win makes no mention of a hierarchical entitlements structure with

inheritance between roles.

The Office respectfully disagrees, and maintains that the prior art references, used in rejecting the

claims, clearly and expressly discloses all the recited features of the claims, as currently presented,

and that Applicant has misinterpreted and/or not fully considered all the teachings and disclosures of

the prior arts of record.

The 08 May 2008 Office Action points to Win, at least column 4, lines 22-26; column 5, lines 2-8;

column 18, lines 25-34, which recites:

"Users are individuals <u>who have a relationship with an organization and play various roles</u>, and are

registered in the system 2. <u>Users may be members of an organization</u>, or may be customers,

suppliers, or business partners of the organization. Administrators control the system."

"A Role may reflect <u>a relationship of a User to the organization</u> (employee, customer, distributor,

supplier), their <u>department within an organization</u> (sales, marketing, engineering) or any other

<u>affiliation or function</u> (member of quality task force, hotline staff member) that defines their

information needs and thus their <u>access rights or privileges</u>."

"Any user who is assigned the role of "Sales Manager" in the future will automatically have access

to the "National Sales Report" resource. If the administrator later un-assigns "Sales Manager"

from the "National Sales Report" resource, <u>then all users associated with the "Sales Manager" role

will automatically lose access</u> to the resource."

From the above disclosure, it apparent that Win discloses a hierarchical entitlements structure with

inheritance between roles. The limitation for the claim above as written, does not differentiate from

the disclosure described above and is therefore interpreted broadly. As such, the rejection with regard

to the above argument with regard to Win should be maintained accordingly.

Appellants further argue that Rowe's teachings are not comparable as the limitations described by

Rowe are tied to particular accounts rather than to users or roles (i.e., members of entitlement

groups).

The Office respectfully disagrees, and maintains that the prior art references, used in rejecting the

claims, clearly and expressly discloses all the recited features of the claims, as currently presented,

and that Applicant has misinterpreted and/or not fully considered all the teachings and disclosures of

the prior arts of record.

The 08 May 2008 Office Action points to Rowe, at least paragraph 40, which recites:

"In a step S1e, the account provider assigns the account with a maximum funds value or value limit... Most often, the maximum value will comprise the amount of an initial deposit into the account by the customer."

It apparent from the above disclosure that Rowe discloses wherein both transaction limits as well as cumulative limits are established for a financial transaction as follows: (Paragraph 40). In this case, a deposit into the account is allowed to accumulate up to the maximum deposit limit ("cumulative limit") set by the account provider for the account. Also, the maximum number of transactions permitted ("per transaction limit") is limited only by the number of deposit transactions necessary to fund the account up to the maximum amount permitted for the account.

Rowe also teaches wherein transaction limits are imposed by the account provider as follows:

"This method comprises the steps of providing customer data to the account provider, establishing an account type, assigning a value limit for the account, depositing funds in the financial account in an amount not exceeding the value limit, assigning the financial account an expiration date after which access to the financial account is generally prohibited by a user..." [Abstract].

In this case, the expiration date set by the account provider for transacting with the financial account serves the same purpose as limiting the number of transactions permitted for the account.

In another instance, Rowe discloses wherein transaction limits and cumulative limits for the account provider to follow are set by the user of the account for as follows:

"The customer may arrange the account such that funds are debited and transferred to the charity [or any other account] at one or more predetermined times and for one or more predetermined amounts" [Paragraph 35].

In this case, an account is permitted to be transacted upon only during the periods or times set for

transacting whereas the maximum amount(s) permitted during the processing of the account is

limited by the user. The limitations for the claims above as written, do not differentiate from the

disclosure described above and are therefore interpreted broadly. As such, the rejection with regard to

the above argument with regard to Rowe should be maintained accordingly.

Claim 12

With regard to the claim above, Appellants argue that Win makes no mention of a hierarchical

entitlements structure in which a particular entitlement group has a child entitlement group.

The Office respectfully disagrees, and maintains that the prior art references, used in rejecting the

claims, clearly and expressly discloses all the recited features of the claims, as currently presented,

and that Applicant has misinterpreted and/or not fully considered all the teachings and disclosures of

the prior arts of record.

The 08 May 2008 Office Action points to Win, at least column 15, lines 64-67; 16, lines 59-67, which

recites:

"...Administration Application 114 can delegate administration of users, roles, servers of the

system to other administrators. The system 2 defines a special type of role, called an Admin.

Role."

"The Role Admin privilege may be delegated to owners of a particular resource, for example the

technical support database. Administrators in the Technical Support Department would be able to

control who has access to that resource by assigning or removing roles associated with that role

from user accounts. The list of roles that may be managed by an administrator with this privilege

is limited to roles that have been assigned to their associated Admin Role record."

Rowe discloses the assigning or removing of roles within an organization by administrators who may be delegated the role of administering access privileges by other administrators. In the above instance (Technical Support Department example), the role of controlling access was delegated to the group by an administrator in order for access privileges to be handled by the department itself. Rowe thus teaches an entitlements structure within an organization in which a particular group has a child or dependent entitlement group. The limitation for the claim above as written, does not differentiate from the disclosure described above and is therefore interpreted broadly. As such, the rejection with regard to the above argument with regard to Win should be maintained accordingly.

Claim 8

With regard to the claim above, Appellants argue that Rowe's teachings of single value limits associated with a given financial account and Appellant's claimed invention providing for per-transaction and cumulative limits which are applicable to particular users or roles are not comparable.

The Office respectfully disagrees, and maintains that the prior art references, used in rejecting the claims, clearly and expressly discloses all the recited features of the claims, as currently presented, and that Applicant has misinterpreted and/or not fully considered all the teachings and disclosures of the prior arts of record.

The 08 May 2008 Office Action points to Rowe, at least paragraph 40, which recites:

"In a step S1e, the account provider assigns the account with a maximum funds value or value limit... Most often, the maximum value will comprise the amount of an initial deposit into the account by the customer."

It apparent from the above disclosure that Rowe discloses wherein both transaction limits as well as

cumulative limits are established for a financial transaction as follows: (Paragraph 40). In this case, a

deposit into the account is allowed to accumulate up to the maximum deposit limit ("cumulative limit")

set by the account provider for the account. Also, the maximum number of transactions permitted

("per transaction limit") is limited only by the number of deposit transactions necessary to fund the

account up to the maximum amount permitted for the account.

Rowe also teaches wherein transaction limits are imposed by the account provider as follows:

"This method comprises the steps of providing customer data to the account provider, establishing

an account type, underline assigning a value limit for the account, depositing funds in the financial account

in an amount not exceeding the value limit, assigning the financial account an expiration date

after which access to the financial account is generally prohibited by a user..." [Abstract].

In this case, the expiration date set by the account provider for transacting with the financial account

serves the same purpose as limiting the number of transactions permitted for the account.

In another instance, Rowe discloses wherein transaction limits and cumulative limits for the account

provider to follow are set by the user of the account for as follows:

"The customer may arrange the account such that funds are debited and transferred to the charity

[or any other account] at one or more predetermined times and for one or more predetermined

amounts" [Paragraph 35].

In this case, an account is permitted to be transacted upon only during the periods or times set for

transacting whereas the maximum amount(s) permitted during the processing of the account is

limited by the user. The limitation for the claim above as written, does not differentiate from the

disclosure described above and is therefore interpreted broadly. As such, the rejection with regard to

the above argument with regard to Rowe should be maintained accordingly.

Claims 2-3, 6, 9 and 17

With regard to the claims above, Appellants argue that although Barkley discusses that one role may

inherit from another role, Barkley takes a bottom-up, rather than a top-down, approach to inheritance

and thus, teaches away from Appellant's top-down inheritance approach.

The Office respectfully disagrees, and maintains that the prior art references, used in rejecting the

claims, clearly and expressly discloses all the recited features of the claims, as currently presented,

and that Applicant has misinterpreted and/or not fully considered all the teachings and disclosures of

the prior arts of record.

Barkley discloses wherein permissions are inherited by an entitlement group from its parent

entitlement group in a hierarchical entitlement structure. The 08 May 2008 Office Action points to

Barkley which recites:

"The capability for one role to inherit another role – that is, for example, while members of

"manager" have their own permissions, they may also inherit those of "subordinate" – is a

common feature of RBAC models. Such a "role hierarchy" is implemented by a strict partial

ordering on the set of roles. One can think of role inheritance as the capability for one role to be

authorized for (or "included in") another role" [column 9, lines 48-55].

"Similarly, the members of branch_manager have permission to read the accounts directory and

account files, and to read and delete suggestion files, as noted above, while the members of

employee have permission to read all employee files, but do not have permission to access files or

directories associated with Object Access Type accounts" [column 12, lines 7-12].

It is apparent that Barkley's approach to inheritance describes an inheritance structure wherein roles occupying a higher level in the organization (e.g. "branch_manager") are permitted greater access privileges compared to roles occupying lower levels within the same organization (e.g. "members of employee") whose access privileges are more restricted. Thus Barkley's inheritance approach teaches a "top-down" inheritance methodology. The limitations for the claims above as written, do not differentiate from the disclosure described above and are therefore interpreted broadly. As such, the rejection with regard to the above argument with regard to Barkley should be maintained accordingly.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

This examiner's answer contains a new ground of rejection set forth in section **(9)** above.

Accordingly, appellant must within **TWO MONTHS** from the date of this answer exercise one of the

following two options to avoid *sua sponte* **dismissal of the appeal** as to the claims subject to the

new ground of rejection:

(1) **Reopen prosecution.** Request that prosecution be reopened before the primary examiner by

filing a reply under 37 CFR 1.111 with or without amendment, affidavit or other evidence. Any

amendment, affidavit or other evidence must be relevant to the new grounds of rejection. A request

that complies with 37 CFR 41.39(b)(1) will be entered and considered. Any request that prosecution

be reopened will be treated as a request to withdraw the appeal.

(2) **Maintain appeal.** Request that the appeal be maintained by filing a reply brief as set forth in 37

CFR 41.41. Such a reply brief must address each new ground of rejection as set forth in 37 CFR

41.37(c)(1)(vii) and should be in compliance with the other requirements of 37 CFR 41.37(c). If a

reply brief filed pursuant to 37 CFR 41.39(b)(2) is accompanied by any amendment, affidavit or other

evidence, it shall be treated as a request that prosecution be reopened before the primary examiner

under 37 CFR 41.39(b)(1).

Extensions of time under 37 CFR 1.136(a) are not applicable to the TWO MONTH time period set forth

above. See 37 CFR 1.136(b) for extensions of time to reply for patent applications and 37 CFR

1.550(c) for extensions of time to reply for ex parte reexamination proceedings.

Respectfully submitted,

/Clifford Madamba/
Examiner, Art Unit 3696
19 December 2008

A Technology Center Director or designee must personally approve the new ground(s) of rejection set forth in section (9) above by signing below:

/Wynn Coggins/
Group Director 3600

Conferees:

/THOMAS A DIXON/
Supervisory Patent Examiner, Art Unit 3696

James A Kramer /J. A. K./
Supervisory Patent Examiner, Art Unit 3693